

REMARKS

Claims 1, 5, 8 - 9, 13, 16 - 17, 21, and 24 have been amended. No new matter has been introduced with these amendments, which are supported in the specification as originally filed. Claims 1 - 24 remain in the application.

I. Rejection Under 35 U.S.C. §102(e)

Paragraph 2 of the Office Action dated March 25, 2004 (hereinafter, "the Office Action") states that Claims 1 - 4, 7, 10 - 13, and 16 are rejected under 35 U.S.C. §102(e) as being anticipated by U. S. Patent 6,510,236 to Crane et al. This rejection is respectfully traversed.

Crane teaches techniques "for authenticating clients" (Abstract, line 1), where the term "client" is used by Crane to describe a device (Abstract, lines 1 - 2, "... for authenticating clients, each of which is coupled to an authentication device ...", emphasis added) as well as a device user (col. 6, lines 47 - 48, "... a 'client' should be broadly construed to mean one who requests or gets the file ...", emphasis added).

See also col. 2, lines 18 - 19, "... a given application client has an authentication device attached to it" (emphasis added), where "client" is discussed in terms of a device, and col. 4, lines 8 - 10, "... obtains an authentication token for the user. This token is then returned to the user ..." (emphasis added), where authentication is discussed in terms of a device user.

Applicant has amended his independent Claims 1, 10, and 19 herein to more clearly specify

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limitations of his invention. In particular, in contrast to Crane's teachings, Applicant's invention is not directed toward authenticating a device or a device user. Instead, Applicant's invention is directed toward authenticating a party distinct from the device possessor. For clarification of this point, the phrases "device possessed by a first party" and "biometric data of a second party" are now specified in Applicant's independent claims, thereby clarifying the distinctions among the parties. See p. 12, lines 10 - 14 of Applicant's specification as originally filed, where this distinction is discussed (referring to "... 'third-party' identification (that is, the biometric data of another being encountered by the possessor of the pervasive device)", emphasis added). Note that Applicant's specification refers to the party being authenticated as a "third party". The term "third party" has been replaced with "second party" in Applicant's claims, merely to avoid confusion.

Applicant respectfully submits that his independent Claims 1, 10, and 19 are clearly distinguishable from Crane's teachings, and that dependent Claims 2 - 4, 7, 11 - 13, and 16 are therefore distinguishable as well. The Examiner is therefore respectfully requested to withdraw the §102 rejection.

II. Rejection Under 35 U.S.C. §103(a)

Paragraph 4 of the Office Action states that Claims 5 - 6, 8 - 9, 14 - 15, and 17 - 27 are rejected under 35 U.S.C. §103(a) as being unpatentable over Crane in view of U. S. Patent 6,016,476 to Maes et al. This rejection is respectfully traversed.

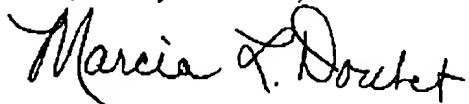
Maes' teachings are not directed toward authenticating a party distinct from a pervasive device possessor, in contrast to Applicant's invention. Maes teaches techniques for authenticating the user of a device. See, for example, col. 1, lines 15 - 17, "... to provide personal verification prior to processing user requested financial transactions ..." (emphasis added); col. 2, lines 23 - 26, "... device ... in which a user can store ..." (emphasis added) and col. 3, lines 45 - 48, "... the central server verifies the user either biometrically or ..." (emphasis added). Col. 7, lines 7 - 12 further specify that "the user ID of the credit cards [is compared] with the user ID of the PDA device to verify the user". Many other such references can be found in Maes.

As discussed above, Applicant submits that his independent Claim 19 is patentable over Crane. Because neither Crane nor Maes, nor a combination thereof, teaches limitations of Applicant's independent claims, Applicant respectfully submits that his dependent Claims 5 - 6, 8 - 9, 14 - 15, 17 - 18, and 20 - 27 are therefore patentable as well. Accordingly, the Examiner is respectfully requested to withdraw the §103 rejection.

III. Conclusion

Applicant respectfully requests reconsideration of the pending rejected claims, withdrawal of all presently outstanding rejections, and allowance of all claims at an early date.

Respectfully submitted,



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